

**U.S. District Court  
Southern District of Florida (Ft Lauderdale)  
CIVIL DOCKET FOR CASE #: 0:17-cv-60178-DMM**

Blair et al v. Bed Bath & Beyond, Inc.  
Assigned to: Judge Donald M. Middlebrooks  
Referred to: Magistrate Judge Dave Lee Brannon  
Cause: 28:1332 Diversity

Date Filed: 01/24/2017  
Date Terminated: 03/30/2017  
Jury Demand: Plaintiff  
Nature of Suit: 195 Contract Product Liability  
Jurisdiction: Diversity

**Plaintiff**

**Donald Blair**

represented by **Leonard W. Aragon**  
Hagens Berman Sobol Shapiro LLP  
11 West Jefferson Street, Suite 1000  
Phoenix, AZ 85003  
(602) 840-5900  
Email: leonard@hbsslaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Robert Bruce Carey**  
Hagens Berman Sobol Shapiro  
11 West Jefferson Street, Suite 1000  
Phoenix, AZ 85003  
602-840-5900  
Fax: 840-3012  
Email: rob@hbsslaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Stuart M. Paynter**  
The Paynter Law Firm  
1200 G. Street NW, Suite 800  
Washington, DC 20005  
(202) 626-4486  
Email: stuart@paynterlawfirm.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Todd S. Payne**  
Zebersky & Payne, LLP  
110 SE 6th Street  
Suite 2150  
Fort Lauderdale, FL 33301  
954-989-6333  
Fax: 954-989-7781  
Email: tpayne@zpllp.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward Herbert Zebersky**  
Zebersky Payne, LLP  
110 S.E. 6th Street  
Suite 2150  
Fort Lauderdale, FL 33301  
954-989-6333  
Fax: 954-989-7781  
Email: ezebersky@zpllp.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Debbie Holland**

represented by **Leonard W. Aragon**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Robert Bruce Carey**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Stuart M. Paynter**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Todd S. Payne**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward Herbert Zebersky**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Bed Bath & Beyond, Inc.**

represented by **Peter W. Homer**  
Homer Bonner Jacobs, P.A.  
1441 Brickell Avenue  
Four Seasons Tower Suite 1200  
Miami, FL 33131  
305-350-5100  
Fax: 305-372-2738  
Email: phomer@homerbonner.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Yaniv Adar**

Homer Bonner Jacobs, P.A.

1200 Four Seasons Tower

1441 Brickell Avenue

Miami, FL 33131

(305) 350-5136

Fax: (305) 982-0070

Email: yadar@homerbonner.com

**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/24/2017	<u>1</u>	COMPLAINT <i>Class Action Complaint</i> against Bed Bath & Beyond, Inc.. Filing fees \$ 400.00 receipt number 113C-9425888, filed by Donald Blair, Debbie Holland. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s))(Zebersky, Edward) (Entered: 01/24/2017)
01/24/2017	<u>2</u>	Judge Assignment to Judge Donald M. Middlebrooks and Magistrate Judge Dave Lee Brannon (rms1) (Entered: 01/24/2017)
01/24/2017	<u>3</u>	Clerks Notice pursuant to 28 USC 636(c). Parties are hereby notified that the U.S. Magistrate Judge Dave Lee Brannon is available to handle any or all proceedings in this case. If agreed, parties should complete and file the attached form. (rms1) (Entered: 01/24/2017)
01/24/2017	<u>4</u>	Summons Issued as to Bed Bath & Beyond, Inc.. (rms1) (Entered: 01/24/2017)
01/24/2017	<u>5</u>	Notice of Pending, Refiled, Related or Similar Actions by Donald Blair, Debbie Holland (Zebersky, Edward) (Entered: 01/24/2017)
02/01/2017	<u>6</u>	ORDER REFERRING CASE and Setting Trial Date, to Magistrate Judge Dave Lee Brannon for Scheduling Conference, ( Calendar Call set for 9/13/2017 01:15 PM in West Palm Beach Division before Judge Donald M. Middlebrooks., Jury Trial set for 9/18/2017 09:00 AM in West Palm Beach Division before Judge Donald M. Middlebrooks.) Signed by Judge Donald M. Middlebrooks on 1/31/2017. (cqs) (Entered: 02/01/2017)
02/01/2017	<u>7</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Leonard W. Aragon. Filing Fee \$ 75.00 Receipt # 113C-9450312 by Donald Blair, Debbie Holland. Responses due by 2/15/2017 (Attachments: # <u>1</u> Certification Certification of Leonard Aragon, # <u>2</u> Text of Proposed Order)(Zebersky, Edward) (Entered: 02/01/2017)
02/01/2017	<u>8</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Robert B. Carey. Filing Fee \$ 75.00 Receipt # 113C-9450373 by Donald Blair, Debbie Holland. Responses due by 2/15/2017 (Attachments: # <u>1</u> Certification Certification of Robert Carey, # <u>2</u> Text of Proposed Order)(Zebersky, Edward) (Entered: 02/01/2017)
02/01/2017	<u>9</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Stuart M. Paynter. Filing Fee \$ 75.00 Receipt # 113C-9450396 by Donald Blair, Debbie Holland. Responses due by 2/15/2017 (Attachments: # <u>1</u> Certification Certification of Stuart Paynter, # <u>2</u> Text of Proposed Order)(Zebersky, Edward) (Entered: 02/01/2017)
02/02/2017	<u>10</u>	ENDORSED ORDER granting <u>7</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney(s) Stuart M. Paynter ; granting <u>8</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney(s) Stuart M. Paynter ; granting <u>9</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney(s) Stuart M. Paynter. Signed by Judge Donald M. Middlebrooks on 2/2/2017. (kcr)

(Entered: 02/02/2017)

02/03/2017	<u>11</u>	PAPERLESS ORDER SETTING TELEPHONIC SCHEDULING CONFERENCE. ( Telephone Conference set for 2/22/2017 at 2:00 PM in West Palm Beach Division before Magistrate Judge Dave Lee Brannon.) At least 48 hours before the conference, Plaintiff's counsel shall provide the Court (brannon@flsd.uscourts.gov) and opposing counsel with a dial-in conference call number. Because of the expedited nature of the conference, the parties are relieved of Local Rule 16.1(b)'s conference report requirement. The parties must be prepared at their assigned time but may have to wait 10-20 minutes before their conference begins, as the Court sets three cases per 30-minute time slot. Signed by Magistrate Judge Dave Lee Brannon on 2/3/2017. (sa) (Entered: 02/03/2017)
02/15/2017	<u>12</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint with a 21 day response/answer filing deadline by Donald Blair, Debbie Holland. Bed Bath & Beyond, Inc. served on 2/6/2017, answer due 2/27/2017. (Zebersky, Edward) (Entered: 02/15/2017)
02/21/2017	<u>13</u>	MOTION to Dismiss <u>1</u> Complaint , MOTION to Change Venue by Bed Bath & Beyond, Inc.. Attorney Yaniv Adar added to party Bed Bath & Beyond, Inc.(pty:dft). Responses due by 3/7/2017 (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Exhibit Exhibit 15, # <u>16</u> Exhibit Exhibit 16)(Adar, Yaniv) (Entered: 02/21/2017)
02/22/2017	<u>14</u>	Minute Entry for proceedings held before U.S. Magistrate Judge Dave Lee Brannon: Telephonic Scheduling Conference held on 2/22/2017. Leonard Aragon, Esq. present for Plaintiffs. Yaniv Andar, Esq. and Peter Homer, Esq. present for Defendant. Pretrial scheduling matters discussed. Scheduling Order to follow. (Digital/Time in Court: 14:01:29/10 mins.) (jrj) (Entered: 02/22/2017)
02/22/2017	<u>15</u>	PRETRIAL SCHEDULING ORDER and ORDER Referring Case To Mediation: ( Amended Pleadings due by 3/13/2017., Discovery due by 6/26/2017., Expert Discovery due by 6/26/2017., Fact Discovery due by 6/26/2017., Joinder of Parties due by 3/13/2017., In Limine Motions due by 7/10/2017., Dispositive Motions due by 7/10/2017., Motions due by 7/10/2017., Pretrial Stipulation due by 8/21/2017.), ORDER REFERRING CASE to Mediation. Signed by Magistrate Judge Dave Lee Brannon on 2/22/2017. (cqs)  <b><u>Pattern Jury Instruction Builder</u></b> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to <a href="https://pji.ca11.uscourts.gov">https://pji.ca11.uscourts.gov</a> or click <a href="#">here</a> . (Entered: 02/22/2017)
02/24/2017	<u>16</u>	MOTION to Stay by Bed Bath & Beyond, Inc.. Attorney Peter W. Homer added to party Bed Bath & Beyond, Inc.(pty:dft). Responses due by 3/10/2017 (Attachments: # <u>1</u> Text of Proposed Order Text of Proposed Order)(Homer, Peter) (Entered: 02/24/2017)
02/27/2017	<u>17</u>	ENDORSED ORDER. Any Response to Defendant's Motion to Stay is due March 1, 2017. Any reply in support of the Motion to Stay is due March 2, 2017. Signed by Judge Donald M. Middlebrooks on 2/27/2017. (kcr) (Entered: 02/27/2017)
02/27/2017	<u>1</u>	Set Deadlines Per DE#17. Responses due by 3/1/2017 Replies due by 3/2/2017. (cqs) (Entered: 02/27/2017)
03/01/2017	<u>18</u>	RESPONSE to Motion re <u>16</u> MOTION to Stay filed by Donald Blair, Debbie Holland. Replies due by 3/8/2017. (Zebersky, Edward) (Entered: 03/01/2017)
03/01/2017	<u>19</u>	NOTICE by Donald Blair, Debbie Holland of <i>Filing Declaration of Leonard Aragon in Support of Plaintiffs' Response to Defendant's Motion to Stay</i> (Attachments: # <u>1</u> Exhibit Declaration of Leonard Aragon) (Zebersky, Edward) (Entered: 03/01/2017)
03/02/2017	<u>20</u>	

RESPONSE in Support re 16 MOTION to Stay *Defendant Bed Bath & Beyond, Inc.s Reply in Further Support of its Motion to Stay Pending Decision on its Motion to Dismiss or Transfer the Complaint* filed by Bed Bath & Beyond, Inc.. (Homer, Peter) (Entered: 03/02/2017)

03/06/2017	<u>21</u>	ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION TO STAY granting <u>16</u> Motion to Stay. Signed by Judge Donald M. Middlebrooks on 3/6/2017. (lan) (Entered: 03/07/2017)
03/07/2017	<u>22</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss <u>1</u> Complaint MOTION to Change Venue filed by Donald Blair, Debbie Holland. Replies due by 3/14/2017. (Zebersky, Edward) (Entered: 03/07/2017)
03/07/2017	<u>23</u>	NOTICE by Donald Blair, Debbie Holland of <i>Filing Declaration of Leonard Aragon in Support of Plaintiffs' Opposition to Defendant's Motion to Dismiss or Transfer Venue</i> (Attachments: # <u>1</u> Affidavit Exh 1 – Declaration of Leonard Aragon, # <u>2</u> Exhibit Exh A to Declaration of Leonard Aragon, # <u>3</u> Exhibit Exh B to Declaration of Leonard Aragon, # <u>4</u> Exhibit Exh C to Declaration of Leonard Aragon) (Zebersky, Edward) (Entered: 03/07/2017)
03/14/2017	<u>24</u>	REPLY to Response to Motion re <u>13</u> MOTION to Dismiss <u>1</u> Complaint MOTION to Change Venue filed by Bed Bath & Beyond, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Adar, Yaniv) (Entered: 03/14/2017)
03/28/2017	<u>25</u>	NOTICE by Donald Blair, Debbie Holland of <i>Consent to Transfer to the Southern District of New York</i> (Zebersky, Edward) (Entered: 03/28/2017)
03/29/2017	<u>26</u>	RESPONSE to <u>25</u> Notice (Other) by Bed Bath & Beyond, Inc.. (Adar, Yaniv) (Entered: 03/29/2017)
03/30/2017	<u>27</u>	ORDER TRANSFERRING CASE TO SOUTHERN DISTRICT OF NEW YORK Closing Case. Motions terminated: <u>13</u> MOTION to Dismiss <u>1</u> Complaint MOTION to Change Venue filed by Bed Bath & Beyond, Inc.. Signed by Judge Donald M. Middlebrooks on 3/30/2017. (lan)  <b>NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014–69.</b> (Entered: 03/30/2017)